IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.63 OF 2007
IN
APPEAL FROM ORDER NO.172 OF 2006

Rochiram Godhwani & Anr. ..Applicants.

V/s.

Nita Nitin Shah. ..Respondent.

Mr.Madhusoodan Nair for applicants.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 1, 2007.

P.C. :

1. None appears for the respondent though served. No reply has been filed to oppose this application. For the reasons mentioned in the application, being sufficient cause, having remained uncontroverted, application is allowed in terms of prayer clause (a), (b) and (c), on condition that applicants would pay Bhatta charges within one week from today, failing which the earlier order dismissing the appeal from order for non-prosecution will stand revived.

2. In addition, appellants to serve the unserved respondent within six weeks by advocate’s notice either personally and/or by courier and/or by speed

post and/or by email and/or by fax and file affidavit of service before the returnable date, failing which appeal to stand dismissed for non-prosecution.

3. If the above condition is complied, matter be placed for hearing on 13th April, 2007 under appropriate caption.